

Notice of Allowability

Application No.

10/635,871

Examiner

R. Alexander Smith

Applicant(s)

PHARO ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to a telephonic conversation with Mr. Schaap on October 3, 2006.
2. The allowed claim(s) is/are 35-54.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.132. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. Robert J. Schaap on October 3, 2006.
3. The application needs to be amended as follows:

In the Drawings:

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 15 is at the margin such that the identification "Fig 15" is partially cut-off. A new sheet 4, i.e., figures 13-15, having margins in compliance with the margin requirements of MPEP 507 (D) needs to be provided.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Examiner's Comment and Notes

4. In review of the Applicant's remarks on starting on page 17 to page 19 line 7, and specifically with respect to the telephonic conversations during the week of March 27, 2006 it is noted that an interview summary was written by Examiner Smith for application 10/635,871 mailed on April 19, 2006. This interview summary, which was also applicable to 10/633,480 and to 09/758,934, was written in order to help clarify and convey a rough idea or starting point for the claim construction for all three applications. It is emphasized that this interview summary was only intended to clarify and convey a rough idea or starting point.

5. In review of the Applicant's remarks on starting on page 19 line 8 regarding Examiner Smith's concern that each of the applications 10/633,480, 10/635,871 and 09/758,934 as being patentably distinct. This concern was originally address in the Office action for 10/633,480 mailed on October 20, 2006 since the claims for all three application were being amended using similar claim language. Examiner Smith in the telephonic conversations during the week of March 27, 2006 was concerned and wanted to clarify that any amendments submitted should address this concern. The Applicant's discussion starting on page 19 line 14 has clarified that the claims are patentably distinct. Furthermore, Examiner Smith has reviewed the amended claims for all three applications and agrees that they are patentably distinct.

As a side note, the discussion in lines 14-16 on page 19 takes the assumption that the application is 10/633,480, which is not correct; however, the comparison between all three applications is discussed from line 14 on page 19 through line 14 on page 26.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance of claims 35-54.

For independent claim 35 the prior art of record does not disclose or clearly suggest a personnel guidance and location control system comprising:

- a) at least one ground cover substrate;
- b) at least one elongate element, said at least one elongate element comprising wait state indicia, said wait state indicia defining the fixed location as on end of a line for a queue of individuals;
- c) a pair of spaced apart rows of a plurality of small discrete path forming elements extending from opposite ends of the elongate element creating a pair of spaced apart pathway boundaries;
- d) at least one movement indicator element;
- e) said at least one substrate having a width;
- f) wherein said at least one substrate having said at least one elongate element, said pair of spaced apart boundaries, said width of the substrate, or said pair of spaced apart boundaries, or combination thereof and said at least one movement indicator form a means for queuing said group of pedestrian individuals into said line of individuals along said at least one substrate to said at least one elongate element having said wait state indicia;

in combination with the remaining limitations of the claim.

Claims 36-39 and 47-49 recite limitations which, in combination with allowed claim 35, render the dependent claims allowable.

For independent claim 40 the prior art of record does not disclose or clearly suggest a system for controlling movement of pedestrian personnel in a line of such individuals, said system comprising:

- a) a ground cover substrate;
- b) at least one end of a line element associated with the ground cover substrate and comprising wait state indicia which defines this standing or waiting location as a fixed location at an end of a line for a queue of such individuals;
- c) a pair of spaced apart rows of path forming members;
- d) said at least one substrate having a width wherein said width of the substrates or the width of said pair of spaced apart pathway boundaries or a combination thereof are adapted to arrange said group of pedestrian individuals into a line of individuals;
- e) a first advertising or promotional informational message that is relatively interchangeable at will;
- g) wherein the at least one end of a line element representing the standing or waiting position and the path forming elements and the wait state indicia, said width of said substrate, or pair of spaced apart rows, or combination thereof form a means for queuing said individuals and

which guides or locates the individuals in an arranged line to cause an organized and orderly movement to the at least one element having the wait state indicia and simultaneously presents at least one said message relating to the purpose that such pedestrians are visiting such facility; in combination with the remaining limitations of the claim.

Claims 41-46 recite limitations which, in combination with allowed claim 40, render the dependent claims allowable.

For independent claim 50 the prior art of record does not disclose or clearly suggest a method for guiding a group of pedestrian individuals into a relatively narrow pedestrian pathway, said method comprising:

- a) providing a ground cover substrate which contains at least one end of the line element and a pair of spaced apart rows of spaced apart rows of small discrete path forming elements creating a defined pathway with a pair of spaced apart pathway boundaries;
- b) providing wait state indicia at said end of line element defining a fixed waiting location and which defines an end of a line for a queue of the individuals;
- c) providing movement indicator elements on the pathway;
- d) wherein the substrate containing said elements creating said defined pathway cause a queuing of the group of individuals into the line of individuals along said pathway to the end of the line element having the wait state indicia and which represents the fixed waiting location for the individuals at the front end of the line of pedestrian individuals;

in combination with the remaining limitations of the claim.

Claims 51-54 recite limitations which, in combination with allowed claim 50, render the dependent claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 disclose related systems and methods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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RAS

October 20, 2006